

60 Rec'd PCT/PTO 27 NOV 2001

U.S. DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE

B/O Form PTO-1390		Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 USC 371	Attorney's Docket Number REF/CARLIN/509 U.S. Application Number 09/7700712
International Application Number PCT/EP99/03509	International Filing Date 21 May 1999	Priority Date Claimed 26 May 1998	
Title of Invention METHOD OF PRODUCING THY A-STRAINS OF VIBRIO CHOLERA, SUCH STRAINS AND THEIR USE			
Applicant(s) for DO/EO/US CARLIN et al.			

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items under 35 USC 371.

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 USC 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371.
3. ☒ This express request to begin national examination procedures (35 USC 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 USC 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed 35 USC 371(c)(2).
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 USC 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 USC 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 USC 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 USC 371(c)(4)). (☐ Executed ☐ Unexecuted)
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 USC 371(c)(5)).

Items 11 to 16 below concern other document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
 - ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☐ Other items or information:

Application Number (if Known) 09/700712		International Application Number PCT/EP99/03509		Attorney's Docket Number REF/CARLIN/509	
				Calculations	PTO USE ONLY
17. The following fees are submitted: Basic National Fee (37 CFR 1.492(a)(1)-(5)): <input checked="" type="checkbox"/> Search report has been prepared by the EPO or JPO \$860.00 <input type="checkbox"/> International Preliminary Examination Fee paid to USPTO (37 CFR 1.482) \$690.00 <input type="checkbox"/> No International Preliminary Examination Fee paid to USPTO (37 CFR 1.482) but International Search Fee paid to USPTO (37 CFR 1.445(a)(2)) \$710.00 <input type="checkbox"/> Neither International Preliminary Examination Fee (37 CFR 1.482) nor International Search Fee (37 CFR 1.445(a)(2)) paid to USPTO \$1000.00 <input type="checkbox"/> International Preliminary Examination Fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00				\$860.00	
ENTER APPROPRIATE BASIC FEE AMOUNT				\$ 860.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).					
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	16	-20 =	0	× \$18.00	\$ 0.00
Independent Claims	5	-3 =	2	× \$80.00	\$ 160.00
Multiple Dependent Claims (if applicable)				+ \$270.00	
TOTAL OF ABOVE CALCULATIONS				\$ 160.00	
Reduction by ½ for filing by small entity, if applicable. Verified Small Entity Statements must also be filed (Note 37 CFR 1.9, 1.27, 1.28)					
SUBTOTAL				\$ 1,020.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).					
TOTAL NATIONAL FEE					
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.					
TOTAL FEES ENCLOSED				\$ 1,020.00	
Amount to be:				Refunded:	
				Charged:	

- a. ☒ A check in the amount of **\$1,020.00** to cover the fees is enclosed.
 b. ☐ Please charge my **Deposit Account Number 02-0200** in the amount of \$_____ to cover the above fees.
 A duplicate copy of this sheet is enclosed.
 c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to **Deposit Account Number 02-0200**. A duplicate copy of this sheet is enclosed.

Note: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

BACON & THOMAS, PLLC
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 (703) 683-0500

DATE: November 22, 2000

Respectfully submitted,

Richard E. Fichter

Richard E. Fichter
 Attorney for Applicant
 Registration Number: 26,382

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

CARLIN et al.

Serial No.: 09/700,712

Filed: November 27, 2000

For: METHOD OF PRODUCING *THY A*-STRAINS OF *VIBRIO CHOLERAE*, SUCH
STRAINS AND THEIR USE

Attention:

PCT BOX MISSING PARTS

**AMENDMENT AND REPLY TO THE NOTICE OF MISSING
PARTS OF APPLICATION**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Official Action dated September 13, 2001, in
connection with the above-identified application.

Please amend the above identified application as follows.

IN THE SPECIFICATION:

Applicants most respectfully request that the accompanying Sequence Listing
be entered into the specification after the Declaration.

09700712.111301

REMARKS

Applicants have amended the specification by having added the accompanying Sequence Listing. However, it is believed that the application as originally filed contained the Sequence Listing in paper form.

In addition, Applicants comply with the requirements for a patent application containing nucleotide sequence by submitting herewith a paper copy of the Sequence Listing as well as a computer readable format. The undersigned attorney respectfully submits that the information on the paper copy of the computer readable form and the disk, prepared by the undersigned based upon information provided by Applicants, is the same and includes no new matter. However, the undersigned has added the appropriate serial number to the computer readable disk format and this is evident on the printed copy of the Sequence Listing.

In addition, Applicants submit herewith the fully executed Declaration and appropriate fee for responding to the Notice of Missing Parts.

Finally, Applicants complete the Information Disclosure Statement already of record by submitting the necessary copies.

In view of the above comments and further amendments to the specification and submission herewith of the necessary documents to complete the application, an early and favorable action on the merits of the application is now in order and is most respectfully requested.

Respectfully submitted,
BACON & THOMAS, PLLC

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November 13, 2001